

"Express Mail" mailing label number EV 327 129 857 US

Date of Deposit: September 24, 2003

Our Case No. 3614/174

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Peyman et al.

Serial No. 09/832,269

Filed: April 10, 2001

For: RETINAL TREATMENT
METHOD

Examiner: Zohreh A. Fay

Group Art Unit: 1614

COMMUNICATION

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

Pursuant to a conversation with the Examiner in the above-identified application, Applicant is submitting the attached documents and providing the following statements.

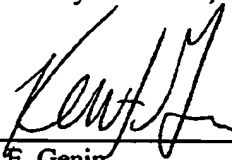
With respect to the Notice of Allowability mailed September 11, 2003, Applicant notes that several pieces of information appear to have inadvertently been omitted. In paragraph one of the Notice of Allowability, reference is made to "amendments and remarks filed on November 8, 2003". This date cannot be correct and the papers filed most recently were submitted on July 7, July 21, and August 8, 2003. Applicant would appreciate clarification that the Notice of Allowability is properly based upon review of these papers. In paragraph two of the Notice of Allowability, reference is made to allowed claims 1-25. No mention is made of pending claims 26-31. A copy of the Preliminary Amendment filed July 21, 2003, along with the postcard evidencing receipt is enclosed for the Examiner's reference. Accordingly, clarification that claims 1-31 are allowed is respectfully requested.

Additionally, a Second Supplemental Information Disclosure Statement was timely filed on August 8, 2003. It appears that the PTO-1449 was either misplaced or inadvertently not included in the materials signed off by the Examiner with the Notice of Allowability. A copy of the Second Supplemental Information Disclosure Statement and PTO Form 1449 is enclosed for the Examiner's reference. Additionally, a copy of the return stamped postcard indicating receipt on August 12, 2003 is also enclosed. Applicant respectfully requests that the Second Supplemental Information Disclosure Statement be fully considered and acknowledged. If this Second Supplemental Information Disclosure Statement has been misplaced in the Patent Office, Applicant requests that the Examiner contact the undersigned so that Applicant may provide a complete copy of all the previously submitted references.

Finally, included in the materials accompanying the RCE filed on July 7, 2003 was a Petition Under 37 C.F.R. §1.48 to correct inventorship. Applicant has not yet received word of a decision on this Petition and is investigating the status of this Petition with the Petition Branch.

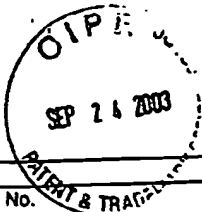
Applicant respectfully requests assistance from the Examiner in correcting the above-identified issues. Should any questions arise or issues remain, the Examiner is respectfully requested to contact the undersigned at the telephone number listed below.

Respectfully submitted,



Kent E. Genin
Registration No. 37,834
Attorney for Applicant

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200



09-25-03

1614

TRANSMITTAL LETTER			Case No. 3614/174
Serial No. 09/832,269	Filing Date April 10, 2001	Examiner Zohreh A. Fay	Group Art Unit 1614
Inventor(s) Peyman et al.			
Title of Invention Retinal Treatment Method			

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is Transmittal Letter (in duplicate); Communication; Copy of Transmittal Letter and Preliminary Amendment filed on July 21, 2003; Copy of Transmittal Letter, Second Supplemental Information Disclosure Statement, and PTO 1449 Form filed on August 8, 2003; Copy of Return Receipt Postcards for July 21 and August 8, 2003 submissions.

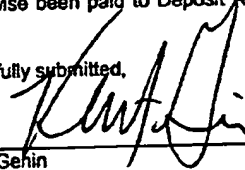
- ☐ Small entity status of this application under 37 CFR § 1.27 has been established by verified statement previously submitted.
- ☐ Applicant claims small entity status. See 37 CFR 1.27.
- ☐ Petition for a _____ month extension of time.
- ☐ No additional fee is required.
- ☐ The fee has been calculated as shown below:

SEP 24 2003

					Small Entity		or	Other Than Small Entity	
	Claims Remaining After Amendment		Highest No. Previously Paid For	Present Extra	Rate	Add'l Fee		Rate	Add'l Fee
Total		Minus			x \$9=			x \$18=	
Indep.		Minus			x 42=			x \$84=	
First Presentation of Multiple Dep. Claim					+\$140=			+\$280=	
					Total add'l fee	\$		Total add'l fee	\$

- ☐ Please charge Deposit Account No. 23-1925 (BRINKS HOFER GILSON & LIONE) in the amount of \$_____. A duplicate copy of this sheet is enclosed.
- ☐ A check in the amount of \$_____ to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge payment of any additional filing fees required under 37 CFR § 1.16 and any patent application processing fees under 37 CFR § 1.17 associated with this communication or credit any overpayment to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.
- ☒ I hereby petition under 37 CFR § 1.136(a) for any extension of time required to ensure that this paper is timely filed. Please charge any associated fees which have not otherwise been paid to Deposit Account No. 23-1925. A duplicate copy of this sheet is enclosed.

Respectfully submitted,


Kent E. Gehin
Registration No. 37,834
Attorney for Applicant
Customer No. 00757 - Brinks Hofer Gilson Lione

BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, ILLINOIS 60610
(312) 321-4200

"Express Mail" mailing label number EV 327 129 857 US

Date of Deposit: September 24, 2003



Case No.
Applicant

Serial No. 09/832,269
Applicant: PEYMAN ET AL.
Client/Matter No.: 3614/174

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450



Office

id:

Please acknowledge receipt of the below identified:
Items Mailed: Check for \$96.00; Transmittal Letter (in duplicate);
Preliminary Amendment.

BRINKS HOFER GILSON & LIONE
By: Kent E. Genin, Reg. No. 37,834
Date of Mailing: July 21, 2003

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O.I.P.E. JG-65
 SEP 16 2003
 PATENT & TRADEMARK OFFICE

Serial No. 09/832,269		Filing Date April 10, 2001		Examiner Zohreh A. Fay	Case No. 3614/174 Group Art Unit 1614
Inventor(s) Peyman et al.					
Title of Invention Retinal Treatment Method					

TO THE COMMISSIONER FOR PATENTS

Transmitted herewith is Transmittal Letter (in duplicate); Second Supplemental Information Disclosure Statement PTO Form 1449; One Copy of References C1-C57.

- ☐ Small entity status of this application under 37 CFR § 1.27 has been established by verified statement previously submitted.
- ☐ Applicant claims small entity status. See 37 CFR 1.27.
- ☐ Petition for a _____ month extension of time.
- ☐ No additional fee is required.
- ☐ The fee has been calculated as shown below:

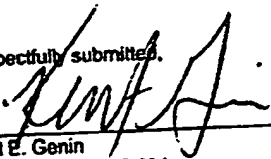
	Claims Remaining After Amendment	Highest No. Previously Paid For	Present Extra
Total	Minus		
Indep.	Minus		
First Presentation of Multiple Dep. Claim			

Small Entity	
Rate	Add'l Fee
x \$9=	
x 42=	
+ \$140=	
Total add'l fee	\$

Other Than Small Entity	
Rate	Add'l Fee
x \$18=	
x \$84=	
+ \$280=	
Total add'l fee	\$

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Respectfully submitted,


 Kent E. Genin
 Registration No. 37,834
 Attorney for Applicant
 Customer No. 00757 - Brinks Hofer Gilson Lione

BRINKS.HOFER GILSON & LIONE
 P.O. BOX 10395
 CHICAGO, ILLINOIS 60610
 (312) 321-4200

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail, with sufficient postage, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on August 8, 2003.

Date:

August 8, 2003

Signature:

